

## PLANNING AND ZONING COMMISSION

June 7, 2011  
7:30 pm  
Council Chambers

### ROLL CALL

Commissioners Present:	Best, Davis, Huddleston, Loyd, McDowell, Wescott, Woolery and Chairperson Harris
Commissioners Absent:	Vice-Chairperson Romine
Staff Present:	Jim Lawson                      Director of Planning and Development Joel Hornickel                Senior Planner Matt Filice                    Assistant City Engineer Sonja Paden                  Office Assistant II
Others Present:	Raeanne Presley            Mayor Bob Simmons                Alderman

1. **Approve Agenda.**  
Recommended Action:      Approve the format of the June 7, 2011 agenda.

#### MOTION:

Motion by Commissioner Loyd and seconded by Commissioner Woolery, and unanimously carried to approve the format of the June 7, 2011 agenda as modified with the postponement of item no. 5 at the request of staff.

### PUBLIC COMMENTS

None.

### OLD BUSINESS

None.

### REGULAR AGENDA ITEMS

2. **Approve Minutes.**  
Recommended Action:      A) Approve the minutes of the May 3, 2011 study session;  
   B) Approve the minutes of the May 3, 2011 regular meeting.

**MOTION:**

Motion by Commissioner Wescott and seconded by Commissioner McDowell and unanimously carried to approve the minutes of the May 3, 2011 Planning and Zoning Commission study session and the May 3, 2011 Planning and Zoning Commission regular meeting as presented.

<b>PUBLIC HEARING AGENDA ITEMS</b>
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3. Request For a Preliminary Subdivision Plat for the Branson View Cabins at  
1901 Shepherd of the Hills Expressway, Branson, Missouri.  
Project No. 11-6.2 (11-00600002)  
Applicant: Equity Trust Company Custodian FBO Richard A. Patterson IRA

Mr. Hornickel presented the staff report as filed with the Planning Department.

Chairperson Harris asked if any of the Commissioners had any questions in regards to the item; there was no response. He then asked if there was anyone present who wished to speak in regards to the item.

Mr. Eric Hodge stated he represented Rozell Engineers, the company that prepared the preliminary plat. He asked if there were any questions he could answer in regards to the survey or engineering for the project. He added Mr. Ross Williams was also present to answer any questions in regards to the proposed buildings.

Commissioner Best asked where the entrance for the project would be located.

Mr. Hodge stated it would be at the north end of the property along Shepherd of the Hills Expressway.

Commissioner Best asked where the existing median on Shepherd of the Hills Expressway was located.

Mr. Hornickel stated the median, which helps direct traffic near the Sight and Sound Theater, was located further north along Shepherd of the Hills Expressway.

Commissioner Best asked if there would be any issues with people turning left out of the project onto Shepherd of the Hills Expressway.

Mr. Hodge stated all site distances would be checked to ensure no conflicts.

Chairperson Harris stated we valued the view-scapes we have and asked how they hoped to preserve the unique topography of the site and blend it into the surrounding area.

Mr. Hodge stated they would not mass-grade the site. He stated they would grade the road in and then carve the cabins into the existing trees. He stated they would follow the model of some of the other cabin developments in the community where the cabins were built to fit into the natural topography and trees. He stated they were not going to cut the high side and fill the low side to make a large, flat pad. He added the cabins were designed to be built on piers so they would not have to do a lot of rock or dirt work to level out pads. He stated the goal would be to clear only enough land to pave the road and construct the cabins. He stated they did not want to construct large regional storm water detention basins on this steep of a hillside because it would disturb more ground than necessary. He stated they would be using smaller measures around the site to catch runoff and treat it.

Chairperson Harris stated he agreed there were several great cabin developments in the community, particularly the one located on Green Mountain Drive. He stated they had some great models to shoot for.

Mr. Hodge stated their company got to work for the owner of that project and he was one of the first to attempt it. He added it turned out fantastic.

Chairperson Harris asked if any of the Commissioners had any further questions of the applicant.

Commissioner Davis stated he agreed with Chairperson Harris's statements about the other developments and wished them luck.

Chairperson Harris asked Mr. Williams if he had anything he wanted to add.

Mr. Williams stated he did not.

Chairperson Harris asked if any of the Commissioners had any questions for Mr. Williams.

Commissioner Davis asked if there would be a possibility of connecting their project to the city's trail system.

Mr. Williams stated they would, if they could figure out how to get a trail up the hill to the property. He stated they would need to find an access point and be mindful of the accessibility issues.

Commissioner Wescott asked if the area along the eastern boundary of their property was an existing right-of-way or an actual road.

Mr. Williams stated they had taken the area into account even though a road had not yet been developed within the right-of-way. He stated the road had been platted, but nothing had ever been done with it.

Commissioner Loyd asked if the property owners along Roark Creek also owned the adjacent portions of the creek.

Chairperson Harris stated they did.

Commissioner Loyd asked what the proposed alignment of the city's trail along the creek was.

Commissioner Davis stated it would follow the sewer line easement up Roark Creek, which was generally on the south or west side of the creek.

Mr. Filice approached and showed on the presentation where the proposed alignment of the trail system along the creek was.

Commissioner Wescott asked what portion was under construction based on the segments Mr. Filice showed.

Commissioner Davis stated the portion to be constructed this year was not within the map shown. He stated the bid which had come in for that portion was fairly lower than they had anticipated.

Mr. Filice stated they had estimated it to cost one hundred and sixty thousand (\$160,000) and the bid came in at one hundred and forty thousand (\$140,000).

Chairperson Harris asked if any of the Commissioners had any other questions of the applicants; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item; there was no response. He asked again if there were any further comments or questions by the Commissioners; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner Huddleston and seconded by Commissioner Davis to approve Resolution 11-6.2.

AYES: Best, Davis, Huddleston, Loyd, McDowell, Wescott, Woolery and Chairperson Harris.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Vice-Chairperson Romine.

Motion to approve Resolution 11-6.2 was approved with an 8-0 vote.

4. Request for a Resolution Recommending the Adoption of the Branson Community Plan 2030 for the City of Branson.  
Project No. 11-22.1 (11-02200001)  
Applicant: City of Branson

Mr. Hornickel presented the staff report as filed with the Planning Department.

Chairperson Harris asked if any of the Commissioners had any comments or questions of staff.

Commissioner Huddleston stated that based on the previous item of the meeting, he wanted to commend staff and the developers because it had come so close to modeling the key elements and themes of the comprehensive plan. He added the development appeared to be a model of how we wanted to see our community develop in the coming years. He stated he could not be any more pleased with the plan.

Commissioner Woolery stated he seconded what Commissioner Huddleston had stated. He added the process had been important and had an influence on the previous item.

Chairperson Harris stated he echoed both of the previous comments. He added he had been very happy with the consultant, the community's participation and overall energy involved. He stated he thought of it as a flexible framework that would help guide the community down a stable, sustainable path allowing it to grow and prosper. He stated he publically wanted to thank Mr. Lawson, Mr. Hornickel and other staff for their efforts and communication throughout the process.

Commissioner Best stated she appreciated the statement on page 178 allowing the city to amend the plan at any time by following the same approval process.

Commissioner Davis stated it was a very good product that employed state of the art planning principles. He added Design Workshop and staff had created a living product that would be used by the community for different purposes. He stated he would like to next discuss how the plan would be used to help approve or disapprove items within the community and how it would be administered by the Commission. He thanked Chairperson Harris for his guidance as well as his open and logical approach to hearing people's requests for the plan. He also thanked Chairperson Harris for his efforts in working with staff and his overall review to make the plan as strong as possible. He stated he was proud of the plan and ready to get onto using it.

Commissioner Huddleston stated, even though the plan was a flexible document, there was an abundance of public input into the plan. He stated it was not handed down from a consulting group from Denver, nor conjured up by staff, nor prepared by the Steering Committee, but it was truly a community-driven plan. He stated he would therefore caution anyone to not be cavalier about changing the plan or disregarding it because it was a living document. He stated any time you take as much pain to get it right as they had, you should be very careful about amending it down the road. He added it represented the fourth time he had been part of a community plan process and it was a remarkable process, including the professionalism that Design Workshop and staff brought. He stated he had been thoroughly impressed and passed along the same compliments to Chairperson Harris.

Chairperson Harris asked if any of the Commissioners had any other comments; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item.

Mr. Dave Melsa approached and stated he had lived in the Branson area for fourteen years and had been involved in the tour business. He stated he had not taken the time to go through the plan, but there was one item that bugged him. He stated the traffic on Highway 76 on Sundays could be challenging and somehow we had not gotten the message to people to get off Highway 76. He offered a simple solution, which would be to have volunteers anchored at certain points along the road directing people either north or south to get them out of town quicker. He stated the traffic had been a problem since he came to town, and it appeared that something could be done.

Mr. Bob Huels approached and stated he wanted to echo some of the compliments. He stated he thought the plan was wonderful and agreed the process was open to the public as many of his rants were listened to. He stated the product was much better than a lot of citizens had anticipated. He added he was not happy with the plan and was still uncomfortable with it, but was more interested in what was going to be done with it once it was passed and how it was going to be interpreted and enforced. He stated he was glad it was a living document so it could be determined where the mistakes were. He stated the plan which was produced was better than he imagined was possible due to the actions and the amount of people involved.

Mr. Mark Weisz approached and stated the comprehensive plan was an important process and one that needed to be right before it was passed. He stated there had been a lot of input and he appreciated being involved. He added he knew it would never satisfy everyone and their individual opinions. He stated the process was public, but the finale was disappointing due to the lack of public turnout and Design Workshop not being present. He asked if any changes were made to the plan after the town hall meeting.

Mr. Hornickel stated the document distributed to the Commissioners was the same draft available on the website. He added all recommendations and revisions since the release of the draft in April had been forwarded onto Design Workshop and they were going to make all of the changes at once prior to the next meeting. He stated any comments made at the town hall meeting were not included in the Commissioner's draft, but were passed along to be included in that final draft.

Mr. Weisz stated he was going to go through his concerns with the document and skip all the things that he liked.

*Land Use Policy 2.1* (Annex the unincorporated properties that are completely surrounded by City land to improve the City's and County's service (fire, police, road maintenance, utility) efficiency.)

- He agreed with the statement but stated that he believed there was a process for annexation including giving the land owner a vote and not simply a vote by the Board of Aldermen.

*Land Use – Action 2.4.1* (Develop additional policies that require new developments or annexations to share the cost of expanding the City's services and utilities needed to service such developments. The cost sharing should be proportional to the service requirements and size of the development.)

- He asked what the new policies would consist of and asked for further definition of them.

*Land Use – Policy 3.1* (Infill & Redevelopment. Encourage the development of vacant property, redevelopment of underutilized properties and adaptive re-use of existing buildings before annexing new land.)

- He stated that the city must recognize market demands and the owner's right to develop their land on the outer edges of the city.

*Land Use – Action 3.1.1* (Incentivize development into the identified infill and redevelopment areas while assuring the ultimate goal is achieved. See Figure 8. Infill Opportunity Areas. Highway 76 and the downtown should be considered high priority areas for public re-investment in streetscape and urban design improvements and infrastructure upgrades to support and catalyze private sector infill and redevelopment.)

- He stated that he did not agree that the statement of incentivizing developments with density bonuses, density transfers, reduced impact fees and flexibility of development regulations was removed. He stated that he did not understand how we could charge more up front, but then not offer and incentives.

*Land Use – Action 3.1.4* (Explore opportunities for private development to contribute towards the additional public amenities that may be needed in infill and redevelopment areas (i.e. park space, public art, signage, etc.).)

- He asked where we were going with the statement.

*Land Use – Action 5.1.6* (Review and analyze the Planned Development zoning regulations and application process to identify areas for improvement.)

- He stated that it concerned him greatly because the PD was the best method for getting quality development in Branson. He stated to leave the PD alone because it was not broke, so there was no reason to fix it.

*Land Use – Action 7.1.2* (Develop criteria for sensitive land classification (i.e. percent slope, visible hillsides, 100 or 500 year floodplain, etc.). Note: Gatlinburg, Tennessee's recently adopted Hillside Overlay District7 ordinance is a good model for evaluation.)

- He asked what it would mean, and what could not be developed. He stated that there were compliments for a project earlier and he didn't think it could be developed under this code as the property was steep.

*Housing – Action 1.3.1* (Implement stricter regulations on long-term housing and over occupancy within hotels/motels. To be most effective, these regulations must be coupled with regulatory enforcement. Similar codes from other communities may provide some guidance for these regulations.)

- He asked if we were going to grandfather in the motels that were housing workers today. He asked if we would be taking away someone's affordable housing or if we would be taking away the income of the property owner.

*Community Character Goal 1* (City Beautification. The City will reduce visual clutter and improve wayfinding with an improved signage system.)

- He asked if existing signage would be grandfathered. He stated that any sign code must recognize that we are a mobile, car based tourist community. He added that we were not a walking community like Vail and therefore we have to have larger signs for the public to see.

*Community Character – Action 1.1.3* (Billboards should be limited to the greatest extent practical. Work with MoDOT to develop a plan that prohibits them along certain stretches of the state highway.)

- He stated that quite a few of the billboards support the local economy and some of the families that own the land. He stated that if we don't grandfather the existing billboards it would be expensive to the city.

*Community Character – Action 4.3.1* (Establish an interconnected system of streets, sidewalks and walking/ bicycle paths within neighborhoods to improve the pedestrian experience.)

- He stated that trails and paths might be viewed as an invasion of privacy if you started forcing them in someone's backyard after they had bought their lot. He stated that it could become a taking and not a public right. He stated that if a developer planned trails, it needed to be done in the planning process and not added onto existing communities.

*Community Character – Action 4.6.1* (Encourage the design and development of residential buildings that address the street, encourage pedestrian activity and that minimize the visual impact of garage doors and driveways.)

- He wished the city good luck with it.

*Community Character – Action 4.7.2* (Ensure natural features including waterways, wetlands, steep slopes, floodplains and significant trees are incorporated into all neighborhood designs and are designated as shared community amenities.)

- He stated that it should be deleted. He added that if real estate was controlled too much that there would be no affordable housing as what occurred in San Francisco. He stated that community amenities should not exist because it was private land.

*Tourism – Action 2.1.2* (Require a certain percentage of the projected Tourism Tax revenue to be in escrow prior to issuing a new business license. This will protect the City from businesses walking away without paying their tax obligation if it goes out of business.)

- He stated that taxes are earned after the money was spent and not before. He added that there were many expenses in opening a business, including getting a business license, and then we would add an additional charge to only new businesses. He stated that the plan should play on an equal playing field.

*Tourism – Action 4.1.1* (Work with the BLACC/CVB to make purchasing a ticket easy and non-competitive by centralizing a few, year-round visitor information centers at locations along Highway 76, in the downtown, at the Branson Landing and other, easily accessible locations. It is important that these ticket locations are clearly signed and communicated to the guest.)

- He stated that this would be a bit of socialism. He stated that Dub would probably tell them that there would be legal challenges with a non-competitive market. Mr. Hornickel stated that through conversations with Steering Committee Member Lennon, that statement had been recommended to be removed.

*Tourism – Action 4.1.5* (Investigate other cities' policies and federal laws that will help identify methods for regulating ticket sales (i.e. truth in advertising laws, etc.). Gatlinburg, Tennessee's new Business Premise Canvassing and Solicitation ordinance is a good model for evaluation.)

- He stated that he did not know if they were good or not because he did not have the time to check them out. He stated that we should not mention another city's plan unless we plan to use it in our city.



*Transportation – Action 1.3.3* (Reduce the number of curb-cuts, or business driveways, along Highway 76 and other high volume roadways while still efficiently maintaining traffic flow. This can be achieved through establishing shared driveways to access multiple businesses. This overall strategy could be addressed in a corridor study or Highway 76 Sub-area Plan.)

- He stated that a review would be okay, but the access points that were already there should be grandfathered in. He asked how this would be done, who would pay for it and how the land owner's would be talked into doing it.

*Transportation – Policy 1.4 & Action 1.4.1* (Define and document incentives for entertainment businesses that promote the use of alternative transportation modes. For instance, reducing the number of parking spaces required in exchange for providing space for bus stops on private property (within the curb-to-curb zone).)

- He asked what bus system. He stated that they had all seen the studies and it would not work. He stated that it was probably copied out of a city's plan book that had a bus system. He stated that it was not realistic.

*Transportation Policy 3.2* (Park Once. Develop a "park once" program by combining convenient parking lots that are coordinated within walking distances of retail, offices, attractions and coordinate with future transit services.)

- He stated that we drive and park on site. He stated that it was a nice idea as long as it was not required or mandated. He asked if we really wanted another tax, if we had the available land or if people would use it. He stated that he would not, and neither would most of his friends.

*Transportation – Action 3.2.1* (Work to implement a demonstration project for a park-n-ride lot to illustrate the value and success of these facilities to the community.)

- He asked who would pay for it and stated that some federal stimulus money may be granted.

*Transportation – Action 3.2.2* (Identify appropriate locations and scale of the park-n-ride lots along Highway 76. Work with business owners and property owners to consolidate the necessary land to designate the consolidated parking lots as such. Strategically locate the parking lots to reduce vehicular demands in congested areas.)

- He stated that it was a bit naive of an idea for it to work in this community.

*Transportation – Action 3.3.2* (Create a transportation system that connects park-n-ride lots, centers, Branson destinations and residential neighborhoods throughout the City.)

- He stated that currently we were having trouble paying the airport, so why would we pursue other transportation. He stated that it would not have success.

*Environment & Infrastructure – Action 3.1.1* (Prohibit development in sensitive natural areas such as wetlands, floodplains, and critical wildlife habitat areas. When not possible to prohibit development, the development should integrate sensitive areas to minimize the impact to the greatest extent possible.)

- He stated that it was very vague, could be misinterpreted and should be deleted. He stated that we had sufficient controls for these items in our code today.

*Environment & Infrastructure – Action 3.1.2* (Coordinate with Taney County and other agencies and non-profits to identify, purchase and rehabilitate hydrological sensitive lands in areas surrounding floodplains. Refer to LU Goal 7, Sustainable Development, for additional sustainable development policies and actions.)

- He stated that we should be starting to realize that we may not be able to afford that luxury.

*Environment & Infrastructure – Action 5.3.5* (Recoup infrastructure extension costs through impact fees.)

- He stated that this should be deleted. He stated that we needed more development and not more barriers. He stated that it affected affordable housing, commercial development and sales tax. He stated that we already had hookup fees and impact fees and then asked where they were going to take it as we were not California or Colorado.

*Environment & Infrastructure – Action 5.4.3* (Further refine stormwater and water quality policies to gain additional control over runoff from new developments and construction.)

- He asked what more control we wanted. He stated that the policies we had, take care of it currently.

*Environment & Infrastructure – Action 5.4.8* (Pursue new financial sources to help fund long-term storm water monitoring requirements and awareness.)

- He asked what the new financial source would be. He stated that it would be the tax payers.

*Parks, Open Space & Recreation – Action 1.3.1* (Update regulations that require a minimum percentage of land be dedicated to usable open space in each new residential and non-residential development. Clearly define the term usable in the amended policy.)

- He asked for this item to be deleted because it was an anti-affordable housing policy.

*Parks, Open Space & Recreation – Action 1.3.2* (Implement minimum park requirements, a factor of the number of new residences added, for new residential developments or require a cash-in-lieu payment.)

- He stated that we were again hitting the developer.

*Parks, Open Space & Recreation – Action 1.3.5* (Solicit partnerships with other governmental agencies, community organizations and private entities to help acquire, finance and construct new park opportunities.)

- He stated that partnerships were great if we could pull them off, and he wished us luck with them.

*Parks, Open Space & Recreation – Action 1.3.6* (Locate parks to be within one-quarter mile or five-minute walking distance of all residences.)

- He stated that it sounded expensive to the city and to the taxpayers or the developer. He stated that it sounded nice, but that there was not a park within a five minute walk of his house. He stated that he would not ask for one to be put in because we had more important things to be worrying about. Mr. Lawson stated that it was a national standard done everywhere else in the United States. Mr. Weisz stated that we should buck that trend and say we can't afford it. Mr. Lawson stated that we should not.

*Parks, Open Space & Recreation – Action 3.1.4* (Use dedicated open space from new developments for connections to or extensions of existing open spaces.)

- He asked again at what cost to the developers, the home buyer and the taxpayer.

*Community – Action 4.2.2* (Follow recommendations made by the Fire Protection Master Plan.)

- He stated that it sounded like a good idea, but he wanted to know if it included the residential sprinkler issue which would have an impact on affordable housing. He stated that even the state was looking at postponing some of those regulations. He stated that if people wanted to put them in, then he thought that was wonderful.

*Community – Action 6.2.3* (Use incentives to encourage private sector rehabilitation and re-use of historically significant resources. Refer to CC Policies 1.3 for additional policies and actions related to historic preservation of architecturally significant buildings and sites.)

- He stated that he thought it was a great idea, but at one of the public meetings, Design Workshop showed an image of the Main Street Bead Shop, and we could never do anything to save that building, nor should we. He stated that it was a prime corner for creating much more sales tax and benefit for the city.

*Community – Action 6.4.1* (Ensure that streetscape projects, as well as projects creating public plazas, parks and other civic spaces, integrate public art in design.)

- He stated that art could be expensive and it was in the eye of the beholder.

*Governance – Action 2.1.2* (Institute a consistent and coordinated system of fees and standards for development located within the Urban Service Area.)

- He asked for an explanation of what it meant and what fees.

*Governance – Action 2.1.3* (Encourage Taney County to revise development criteria within the Urban Service Area to establish an agreed city/county standard.)

- He agreed that we should encourage them to do so because we should not control what was not ours.

*Governance – Action 2.2.1* (Work with Taney County to form an intergovernmental agreement that requires new developments located within two miles of the City's limits to follow Branson's development standards and guidelines. Two miles is utilized in Missouri statutes (in 3rd class cities with a population of 25,000 or more or charter cities with 35,000 residents or more) within which the exercise of joint planning, zoning subdivision and building code decisions could occur. Refer to LU Policy 2.3 for additional actions related to intergovernmental agreements for development adjacent to the City's jurisdictional boundaries.)

- He asked how much we would like to continue to slow growth. He stated that it was time to allow and encourage development to happen. He stated that a two mile distance would be a land grab.

Mr. Weisz stated he passed over many things he wanted to see in a plan. He stated if he gave anyone anything to think about then maybe it was not time to pass the plan. He stated it needed to go back for review and needed to be looked at really hard. He added the Commissioners needed to look at what needed to be changed and be prepared to make motions to amend or modify it before bringing the document to life. He stated they needed to take the time to do it right.

Chairperson Harris asked if there was anyone else present who wished to speak in regards to the item; there was no response. He then asked if there were any further questions or comments by the Commissioners.

Commissioner Wescott asked if there were already some changes that had taken place which were not shown in their drafts, and if it would be looked at again prior to the Board of Aldermen's review of it.

Mr. Lawson stated they did not anticipate any major changes, as most of the corrections were misspelled words and similar things. He added the plan was what the community clearly wanted and

Mr. Weisz simply did not agree with it. He stated no decisions had been made on what the exact percentage would be when considering the policies that deal with viewsheds and slopes. He stated they were goals the people wanted us to work towards. He stated once the plan passed, every item would not go into effect, but instead lead to future studies and plans at which we would need to look. He stated if we never even looked at any of these innovative techniques then we really had not done anything.

Commissioner Davis stated he wanted to respond to Mr. Weisz, but wanted to first define the definition of community that needed to be used. He stated it had been most eloquently defined by Dr. Dan Chinn, a Steering Committee Member, as a group or entity that included the human and non-human elements that live and flourish in our Ozark Mountain Country. He stated the broad definition spoke to the change in the focus of the Planning Commission. He stated Mr. Weisz's fears and attempt to frighten them into doing something wrong were, in his opinion, unsubstantiated and they did not justify delay. He stated he understood Mr. Weisz's desire to hold onto the past, but it had left us with forty years' supply of available land within our community, every economic segment he could think of being overbuilt and a planning map of unfinished planned developments that far exceeded those that had ever reached fruition. He stated he believed the community deserved the ability to try and make itself better. He stated he appreciated Mr. Weisz's input when it was based upon the journals he passed out to the Commission, but his current comments were not consistent with the information presented within them. He stated, in his opinion, people had the right in the community to set the priorities and it was not all about the business deal. He stated that was the direction we were going and the train was leaving.

Commissioner Loyd asked if, and how, the Board of Aldermen would receive the public input offered during the meeting.

Mr. Lawson stated they would receive it. He stated, as staff, they would not recommend any of Mr. Weisz's changes, but they would be part of the minutes and the Board would get those.

Mr. Hornickel stated the Board of Aldermen would review all of the minutes from the meeting, but it was up to the Commissioners to determine if any of the public comments merited the plan be postponed, or be approved and recommended to be forwarded on to the Board in its current condition.

Commissioner Best asked, if they approved the plan, would it go on to the Board of Aldermen on June 25<sup>th</sup>.

Mr. Lawson stated it would, but only as a discussion item, as June 25<sup>th</sup> was the date of the Board's retreat and not a regular meeting.

Commissioner Best asked if the Board could make changes to the plan at that point.

Mr. Lawson stated they could. He added the Board could, as a result of their retreat, decide to hold additional public hearings or continue with more discussion. He stated several of the comments made by Mr. Weisz would be addressed during the implementation phase. He stated there was a lot more work to be done to further define many of the items and policies within the plan. He added the plan simply provided the clearest direction from the community to head.

Commissioner Huddleston stated he had earlier complimented the process for including so much community input and Mr. Weisz's input was part of that fabric. He stated he should be applauded for taking the time to study the document and make comments, even if the Commission did not agree with everything. He stated Mr. Weisz made several comments with which he also agreed, but others in the community did not. He stated the plan did not have any teeth right now and would not until the implementation phase, which would take many years. He added the plan provided information about where the community wanted to go, but not how to get there. He stated that would come from legislation and policy enacted by the Board, but was not part of the Commission's role. He stated there would be a lot more time for input, debate and give-and-take. He added the consensus was that the plan represented the direction the community wanted to pursue. He stated the plan would not please everyone, but it was part of community.

Commissioner Best stated she looked at the plan as a destination, and now we needed to figure out how we were going to get there.

Commissioner Wescott asked if the same adoption process would be completed again if an amendment was made to the plan because we had gone off in the wrong direction on a certain issue.

Mr. Hornickel stated the statement in the plan covered what was required by statute. He added it was important for the community plan to be presented to both the Planning Commission and the Board of Aldermen. He stated any future action would definitely go through the same process.

Mr. Lawson stated the plan would also be used if a proposal came forward in order to determine whether or not it matched what was recommended by the plan. He stated a good proposal may require a plan amendment to also be proposed because it had not been thought about previously. He stated we wanted the plan to go forward for ever more and refine it as necessary.

Chairperson Harris stated the plan would have to change and evolve just as communities do. He asked again if there were any further questions by the Commissioners; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner Wescott and seconded by Commissioner Woolery to approve Resolution 11-22.1.

AYES: Best, Davis, Huddleston, Loyd, McDowell, Wescott, Woolery and Chairperson Harris.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Vice-Chairperson Romine.

Motion to approve Resolution 11-22.1 was approved with an 8-0 vote.

5. Request for a Municipal Code Amendment to Appendix A, Sections 400.040, 405.030, 405.040 and 410.040 Pertaining to Uses Permitted and Special Uses.  
Project No. 11-12.1 (11-01200001)  
Applicant: City of Branson

Mr. Hornickel presented the staff report as filed with the Planning Division.

Mr. Lawson stated it had been requested that the item be postponed until the next meeting. He added, if any of the Commissioners or community members had any comments they wanted to pass along, staff would be happy to review them and pass the comments along at the next meeting.

Chairperson Harris stated he had some concerns with museums being an allowable use. He asked if a car wash would be an allowable use.

Mr. Hornickel stated currently a car wash was not listed anywhere in the code, but staff felt it would be beneficial to list it as a use requiring a special use permit and also provide a definition.

Commissioner Best asked if helicopters were considered as a permitted use.

Mr. Hornickel stated permitted uses were those that were allowed to start up without the approval of the Commission, while special uses were required to be brought before them for their review.

Mr. Lawson stated typically a permitted use was enclosed and did not cause impact outside of the building. He added uses with outside issues were the ones that should be limited and required to be reviewed by the Commission.

Chairperson Harris added it allowed the public the opportunity to share an opinion on something that may have an effect on their property.

Chairperson Harris asked if anyone present wished to share any comments on the topic.

Mr. Huels approached and stated he was elated and disappointed at the same time. He stated he was hoping to get the changes going, but now they were being held off for another month. He thanked Mr. Lawson for the changes and stated he understood the concept of enclosed uses to be those that were allowed. He stated he was concerned why the Commission would be worried about museums, as they were also enclosed. He stated he understood previously that museums required a special use because the city did not have any parking regulations. He stated it was now covered and had been

fixed for seven years. He hoped museums could become an allowed use. He stated, contrary to Commissioner Davis's belief, he was not there to make any money. He stated he probably had brought in the most special use permit requests as a realtor and he charged a fee when he did, so he would actually lose money if a museum became an allowed use. He stated we were asking people to spend a lot of time and money on a use that was extremely common because the list had become antiquated. He additionally asked how transferability, as mentioned in Section 405.040, would be controlled and who would be responsible. He stated he and the Board of Realtors had come to staff with requests, and he truly believed this time staff went out of their way to accommodate what they asked for and did a great job.

Commissioner Wescott asked what concerns there were with museums being an allowed use.

Chairperson Harris stated his concerns dealt with what could be potentially displayed or the content of what could be displayed.

Commissioner Wescott stated he understood Chairperson Harris's concern. He asked if a tattoo parlor or an adult bookstore would require a special use permit, as they were typically in enclosed spaces.

Mr. Hornickel stated an adult bookstore, or anything related with similar offerings, was covered under its own separate chapter. He added the code currently stated one could only be located downtown and would require a special use permit. He stated tattoo parlors were an allowed use, but the health department had several regulations that one must follow in order to be opened.

Mr. Huels stated he understood Chairperson Harris's comments, but he was unaware of any requirement that an applicant had to share what content their museum would display. He added there was no comment stating an approved museum could not change what they were displaying at any time.

Mr. Hornickel stated staff had presented the previous request for an exhibition space as just that and tried not to focus on their first exhibit "Our Bodies," as it could change to another exhibit in the future. He added there was no requirement for them to come back and ask permission for a different exhibit in that same space.

Commissioner Loyd asked for the phrase, "without meals" to be removed from the hotels definition. He asked that the definition for a lumberyard be revised as one currently existing within the city. He asked if bars were currently allowed and regulated within the city.

Mr. Huels stated no one could obtain a liquor license to put a bar in within the city. He stated one could be obtained only to serve at a restaurant or from a package store. He added it was a liquor license issue and not a zoning issue.

Commissioner Loyd stated the definition for a wholesale operation seemed incorrect, as his business was a wholesale operation with outside storage.

Commissioner McDowell asked that the term “music studio” be changed to “recording studio.” He asked why the definition for a variety store dealt only with inexpensive merchandise.

Mr. Hornickel stated “variety store” was an old term and staff had added a definition which would better reflect current trends.

Mr. Lawson stated the word “inexpensive” could be removed from the definition.

Commissioner Best asked what the difference was between a shoe store and a retail store.

Mr. Hornickel stated the code currently separated out many retail-type businesses and the Commission could instead decide to generalize them into a single retail use.

Chairperson Harris stated it seemed logical to do so. He encouraged the Commissioners to take that section of their packets home with them and further review it prior to the next meeting.

#### COMMISSIONER & STAFF REPORTS

Chairperson Harris asked if staff knew anything about helicopter rides at the intersection of West Highway 76 and Shepherd of the Hills Expressway.

Mr. Lawson stated the property being asked about was located in the county.


Chairperson Harris asked if the FAA had restrictions on the operation, even if they were located in the county.

Mr. Hornickel stated in working with the current helicopter operators, they had clearly stated that, depending on their license, they had the ability to fly in and out of any place they chose.

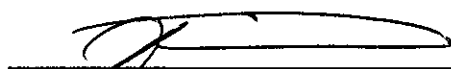
Chairperson Harris stated it may be a great activity, but staff should explore either preferable areas for those types of operations or further regulations on how to control from where they could operate.

#### ADJOURNMENT

Motion by Commissioner Best and seconded by Commissioner McDowell, and unanimously carried to adjourn the meeting at 9:20 p.m.

  
Clark Harris, Chairperson

8-2-11  
Date

  
Joel Hornickel, Senior Planner

8/2/11  
Date